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Attorney for Defendant, David Michael Miller

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Case No. CR-10-00004 JF PVT

Plaintiff,

~~{PROPOSED}~~ ORDER, STIPULATION,
AND DECLARATION OF STEVEN R.
MANCHESTER IN SUPPORT OF
REQUEST FOR CONTINUANCE OF
SENTENCING DATE

vs.

.DAVID MICHAEL MILLER

Defendant.

I. DECLARATION

I, Steven R. Manchester, declare:

I am counsel of record for the defendant, David Miller (Miller). If called as a witness, I could competently testify to the following.

Miller is currently scheduled for sentencing on April 28, 2010 at 9 a.m. before the Honorable Jeremy Fogel. He plead guilty to three felony counts involving the possession and distribution of child pornography. That plea was entered at his first appearance before Judge Fogel, and there have been no continuances in this matter.

The undersigned is in the process of preparing a sentencing memorandum which, in view of the potential term of incarceration, is a complex and time consuming endeavor. The undersigned is unable to obtain all of the materials necessary to prepare a memorandum before the April 28, 2010 sentencing date.

1 The undersigned explained his need for more time to Assistant United States Attorney
2 Thomas O'Connell who is assigned to the prosecution of this matter. Mr. O'Connell and the
3 undersigned agreed to a new date for sentencing of June 9, 2010 or any time thereafter at the
4 convenience of the court.

5 I delclare under penalty of perjury that the foregoing is true and correct. Signed this
6 nineteenth day of April 2010 at San Jose, California.

7 _____/s/_____

8 Steven R. Manchester
9

10 II. STIPULATION

11 For the reasons set forth in the Declaration of Steven R. Manchester, thee parties agree
12 that the date for sentencing in this matter be continued from April 28, 2010 to June 9, 2010 or
13 any time thereafter at the convenience of the court.

14 Dated: April 19, 2010

_____/s/_____

15 Assistant U.S. Attorney Thomas O'Connell

16 Dated: April 19, 2010

_____/s/_____

17 Steven R. Manchester

18 III. ORDER

19 The parties having stipulated thereto, and good cause appearing therefore, it is HEREBY
20 ORDERED that the date for sentencing in the above captioned matter be continued from April
21 28, 2010 to June 9, 2010 at 9 a.m.

22 Dated: 4/27/10 _____

23 
24 Jeremy Fogel, District Court Judge
25